

MEMORANDUM

Agenda Item No. 11(A)(6)

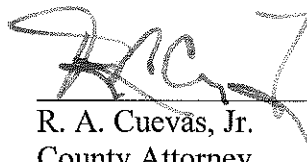
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing the
conveyance of County-owned
land located at W 5th Avenue
and W 24th Street in Miami-Dade
County, Florida

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2013

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County Attorney

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 11(A)(6)

11-5-13

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED LAND LOCATED AT W 5TH AVENUE AND W 24TH STREET IN MIAMI-DADE COUNTY, FLORIDA, FOLIO NUMBER 04-3012-010-1360 TO HIALEAH HOUSING AUTHORITY AT NO COST AND IN ACCORDANCE WITH FLORIDA STATUTE 125.38; DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ACCOMPLISH THE CONVEYANCE AND AUTHORIZING EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE

WHEREAS, the Hialeah Housing Authority ("HHA"), is a public body corporate and politic formed by the City of Hialeah with the mission of promoting and providing safe and affordable housing to persons with limited financial resources in the community; and

WHEREAS, the County owns vacant property, located at W 5th Avenue and approximately W 24th Street, folio number 04-3012-010-1360 (the "Property"); and

WHEREAS, pursuant to Resolutions R-1303-07 and R-16-11 the Property was declared surplus and the sale of same was authorized; and

WHEREAS, Hialeah Housing Authority owns property adjacent to the Property and wishes to construct safe and affordable housing thereon for use by persons with limited financial resources, and has applied to the County for the conveyance of the Property at no cost for the construction of such housing thereon; and

WHEREAS, Hialeah Housing Authority has represented that it will use the Property consistently with its mission, in support of the community interest for which it was founded; and

WHEREAS, the Board finds that, pursuant to Section 125.38 of the Florida Statutes, that the Property is not needed for County purposes as it has been declared surplus, and that the conveyance of the Property to Hialeah Housing Authority would be required for the intended use of promoting community interest and welfare; and

WHEREAS, the Property would be conveyed pursuant to a reverter requiring the completion of the construction of affordable housing for low-income and moderate-income persons within ten years to ensure compliance with the intent of this Board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board ratifies and adopts the matters set forth in the foregoing recitals.

Section 2. This Board directs the Mayor or the Mayor's designee to execute the County Deed in substantially the form attached hereto, and further authorizes the Mayor or the Mayor's designee to take all actions necessary to effectuate the conveyance and to exercise any and all rights set forth in the Deed, and to remove the Property from the list of surplus properties and sale authorized by Resolutions R-1303-07 and R-16-11.

Section 3. Pursuant to Resolution No. R-974-09, this Board directs the Mayor or the Mayor's designee to record the County Deed authorized herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy of the County Deed and Declaration of Restrictions together with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Esteban L. Bovo, Jr. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of November, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Debra Herman

Instrument prepared by and returned to:
Miami-Dade County Internal Services Department
Real Estate Development Division
111 N.W. 1 Street, Suite 2460
Miami, Florida 33128-1907

Folio No.: 04-3012-010-1360

COUNTY DEED

THIS DEED, made this day of , 2013 A.D. by MIAMI-DADE COUNTY, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 NW 1 Street Suite 17-202, Miami, Florida 33128-1963, and Hialeah Housing Authority, a public body corporate and politic, party of the second part, whose address is 75 East 6th Street, Hialeah, Florida 33010.

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged has granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida, (the "Property"):

LEGAL DESCRIPTION

LOT 28 & W ½ OF ALLEY E OF & ADJOINING BLK 21 SEMINOLA CITY SEC 2 PB 9-154
SECTION 12 TOWNSHIP 53 SOUTH RANGE 40 EAST
according to Public Records of Miami-Dade County, Florida

This grant conveys only the interest of Miami-Dade County and its Board of County Commissioners in the property herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same. This grant is made for the public purpose of constructing and operating affordable housing for low and moderate income residents as permitted by Chapter 421 of the Florida Statutes , or as it may be amended from time to time. Construction of the affordable housing shall be completed, as evidenced by a final certificate of occupancy or its equivalent, within ten years of the conveyance of the Property. If in the sole discretion of Miami-

Dade County, the Property ceases to be used for these purposes by the Hialeah Housing Authority, or the Hialeah Housing Authority ceases to exist, title to the Property shall revert to Miami-Dade County upon ten (10) days notice. In the event of such reverter, Hialeah Housing Authority, shall immediately deed the Property back to Miami-Dade County, and Miami-Dade County shall have the right to immediate possession of the Property, with any and all improvements thereon. The effectiveness of the reverter shall take place immediately upon notice being provided by Miami-Dade County, regardless of the deed back to the County by Hialeah Housing Authority. The County retains a reversionary interest in the Property, which right may be exercised by the County in accordance with this Deed.

**[THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK]
[ONLY THE SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice Chairperson of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Rebeca Sosa, Chairwoman

Approved for legal sufficiency. _____

The foregoing was authorized by Resolution No. _____ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the _____ day of _____, 20__.